IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

THURSDAY, THE 19TH JULY 2007 / 28TH ASHADHA 1929

L.A.App..No. 202 of 2001(A)

LAR.135/1997 of PRINCIPAL SUB COURT,PARAVUR
.....

APPELLANT: CLAIMANT
---

1. SARAMMA, W/O.JACOB,
KULANGARA, PERUMPADANNA, N.PARAVUR. (DIED)

2. ABRAHAM JOSEPH, S/O. DO. DO.

3. MARY JACOB, D/O.DO. DO.

(It is recorded that the 1st appellant died and appellants 2 and 3 are the legal representatives of the deceased 1st appellant vide order dated 06.04.2006 on the memo filed in L.A.A No. 202/2001.)

BY ADV. SRI.B.RAMACHANDRAN

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY
GOVT. PLEADER, HIGH COURT OF KERALA,
ERNAKULAM.

BY ADV. SMT. K.R. DEEPA, GOVERNMENT PLEADER

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 19/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & T.R. RAMACHANDRAN NAIR, JJ

==========

L.A.A NO. 202 OF 2001

==========

Dated this the 19th day of July, 2007.

JUDGMENT

Kurian Joseph,J

The enhancement given is only to the extent of 10%. According to the appellants, there should have been at least 50% of enhancement. It is seen from the judgment in L.A.A 837/2001 and several other cases that enhancement to the extent of 60% has been sustained by this Court. The extent involved in this case is 5.38 Ares. The Land Acquisition Officer fixed the value at Rs.38,109/- per Are. The enhancement given by the Reference Court is only at the rate of Rs.3,811/- per Are (10%). The appeal is for further enhancement at the rate of 50%. L.A.A 837/2001 is filed against L.A.R. No. 194/97. A copy of the judgment in LAR 194/97 is produced along with I.A. No. 2518/2007. It is seen from the said judgment that in L.A.R No. 110/97 also, the Reference Court had granted 60% enhancement. As already pointed out by the learned Government Pleader, these documents were not made available before the Reference Court. Be that as it may, in view of the consistent stand taken by the Reference Court in granting 60% enhancement over and above the value fixed

by the Land Acquisition Officer, we hold that the appellant herein also will be entitled to such enhancement. Hence, the appeal is allowed. The appellant shall be entitled to enhancement of land value at the rate of 60% of the land value fixed by the Land Acquisition Officer along with all statutory benefits.

KURIAN JOSEPH, JUDGE.

T.R. RAMACHANDRAN NAIR, JUDGE.

rv